



**MINUTES
FAIRVIEW CITY COUNCIL WORK SESSION
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

August 3, 2005 – 5:30p.m.

**I. CALL TO ORDER/
ROLL CALL**

Council President Steve Owen called the meeting to order at 5:30 p.m.

**PRESENT: Councilor Darrell Cornelius
Councilor Barbara Jones
Councilor Steve Owen
Councilor James Raze
Councilor Ken Quinby**

**ABSENT: Mayor Mike Weatherby
Councilor Jim Trees**

**STAFF PRESENT: Jan Wellman, City Administrator
Tamara DeRidder, Community Development
Director
Connie Hansen, City of Fairview Secretary**

**II. DISCUSSION –
TRANSPORTATION
COORDINATION WITH
TROUTDALE
CONCERNING THE
TROUTDALE TSP AND
PROJECTED IMPACTS
ON 238TH AND 242ND**

Tamara DeRidder, Community Development Director stated that she invited Ed Abrahamson from Multnomah County to help with this discussion. Director DeRidder stated that she had provided testimony on July 26, 2005, to the Troutdale Council on the Troutdale Draft Transportation System Plan regarding Fairview's position on the transportation impacts being proposed by this Plan. She requests that the Council review her testimony and provide her direction on whether they support or choose to alter this testimony at the second council hearing, dated August 23, 2005. . A copy of the letter of testimony and the information presented to Troutdale's Council was part of tonight's Council packet. . DeRidder invited Ed Abrahamson from Multnomah County Transportation Dept. to be present for tonight's workshop as he has information that may be helpful.

Director DeRidder stated that there are some critical issues to be addressed. The Fairview Industrial Lands Master Plan indicates that the three-lane capacity of 223rd and Sandy is adequate for build-out of the Fairview industrial lands. However, both of those roadways would need to be improved to 5-lane

cross-sections to meet the demand generated by the build-out of Troutdale Science and Technology Park. To mitigate this future additional traffic the 238th Extension, connecting I-84 to Marine Drive/Sun Dial Road, would need to be installed. This extension would allow both Sandy Blvd. and 223rd to remain at a 3-lane build out.

DeRidder stated that the Troutdale TSP includes an Action Plan where they have identified the funding sources, then there is the Master Plan that is essentially a wish list, but no funding has been earmarked or identified for those plans within the next 20-years. It is important to draw the attention of the Troutdale Council to those facts and that there is a need to develop a tri-city transportation study and mitigation plan and have 238th Extension facilitated through funding from development.

Councilor Cornelius asked why, as it seems there would be less traffic on Sandy Blvd. if there were no connector to 238th Avenue. Director DeRidder stated that Sandy Blvd. would have to go to five lanes if the connector is not put in because of the traffic levels and access to the freeway via Marine Drive and 223rd Ave. The traffic models and analysis from the Group MacKenzie study shows that Sandy Blvd. would have to go to the five lanes to accommodate the expected amount of trips once the area is more fully developed.

Councilor Cornelius stated that presumably the freeway traffic would go to 257th, and the 238th Extension is what the Port wants for the intermodal rail they are pushing for in East County. DeRidder stated that the big picture for Fairview needs to be considered and be in place for the best possible system for the future and the 238th Extension is important to maintain Fairview's future growth.

Ed Abrahamson stated that 257th Avenue is already in failure and once the Alcoa site is developed without the extension of 238th Avenue the traffic from that site would go to 223rd or 207th Ave. to access the freeway, thereby putting a lot of traffic into Fairview. The extension of 238th Avenue would take most of that traffic off 223rd and 207th Avenue, as well as Sandy Blvd. The traffic will take the shortest route possible to reach the freeway.

Councilor Cornelius stated that the intermodal rail that the Port wants would have a minimum of 1400 truck trips a day, and that would put quite a bit of the system into failure. Additionally, there would be another 100 acres of warehousing. Cornelius asked if Group MacKenzie had taken that into consideration. DeRidder stated that they had not included that in the study, but even without those calculations, if the 238th connector isn't there it is important to note that the study finds that Sandy Blvd. would have to go to five lanes. Cornelius noted the numbers he mentioned were from the Port and that it is important to move cautiously because 238th is important for that intermodal terminal. DeRidder stated that, as Ed Abrahamson noted, time is important and truckers will take the shortest route to lower their costs.

Councilor Raze asked what level of cooperation Wood Village is providing in this process. DeRidder stated that Wood Village would be willing to do 238th if intermodal is not an issue, but I believe they know it is important to get a work program for this Extension in place. Fairview needs to be at the table so that Fairview, Wood Village, and Troutdale can look at all of the industrial lands and development as a seamless piece in order to figure out the equity for all

development receiving benefit to pay for this improvement.

DeRidder stated further that the devil was in the details. If all the cities and their staff are at the table in designing the 238th Extension then the acceptable facility will be limited in scope to meet the demand we envision, not necessarily that of the Port. This may be a facility that is a maximum of 3-lanes.

The second issue that had been addressed in the July 26th testimony was Fairview's Staff support for the 242nd Extension. Raze noted that Mayor Fuller of Wood Village was elected to stop the 242nd Avenue connector. Administrator Wellman stated that the Wood Village Council passed a resolution to that 242nd connector. DeRidder stated that five years ago Troutdale did that same thing. Cities are obligated to identify what is required in Metro's Regional Transportation Plan (RTP). The Troutdale TSP illustrates 242nd Extension that they are in the process of approving while at the same meeting the Council has a resolution scheduled to vacate that right of way. Although the extension is on the 20-year master projects list no funding or proposed funding is slated for the project. It is more of a "wish list" item. What this says is on the one hand we support it, but on the other side it is recommended that it be vacated at this time. Councilor Raze stated that seems short sighted as later it would cost a lot more to buy back that right of way (ROW).

Director DeRidder stated that the north south study conducted by DKS Associates is reviewing different connections for the future build out of Damascus and included in that is how connections are to be made to 242nd Ave. The study also indicates a need for two expressways from I-84 instead of arterials, which is a step up in intensity. Mr. Abrahamson stated that the county has concluded that for access management purposes 242nd Ave. would go to four travel lanes and there is a need for other forms of transportation such as transit. Another corridor study needs to be performed on how this should be done, but the study was recommend for suspension. The county is selling property between Edgefield and Cherry Park, but selling that would make it difficult to develop for transportation purposes. Councilor Raze asked what the county gains from selling that property. Abrahamson stated that by doing so the property goes back onto the tax roles to help build the jail facility. Plus, at this point, no one can identify funding to construct that 242nd connection over the next 20 years.

Councilor Raze noted that the right of way could still be maintained and would be important to keep because the cost would be exorbitant to buy back. It doesn't take a study to determine that something is needed now, not just in the future for that area and for connectivity.

Mr. Abrahamson stated that one of the options being considered is to sell the right of way, but with the stipulation that anything constructed in the right of way or on the slope easements could not be permanent construction. The county did that in Troutdale where there is a 90-foot path that cannot be built upon. What can be constructed are such things as parking lots and temporary structures. At this point he has recommend that this stipulation be included as part of the sale of the 242nd ROW. The board is looking to maximize the available dollars at this point in time.

Councilor Cornelius asked what the position of Wood Village and Troutdale is

on the 238th connector from Sandy Blvd. to the Alcoa property. Also what Troutdale is looking to do on the 257th Ave. frontage road. The Port got a \$2 million grant from the Federal Govt. to redesign that 257th frontage to accommodate the Alcoa development.

Director DeRidder stated that their transportation systems plan does include that re-routing of traffic off the eastbound exit ramp and funds came through to redesign that 257th area. Councilor Cornelius asked how to keep intermodal out, and that not having a 238th connector would help that, as well as how to keep 223rd from becoming a five lane road. Councilor Raze stated that would not be possible, as it would choke things out including our own industrial lands development. Cornelius stated he thinks there could be other solutions instead.

Director DeRidder stated that in the big picture of the Alcoa property is that there will be development there, but how it is developed is more of a political issue that can be partially resolved in this discussion tonight. But, that should be brought to the table for the mitigation of the traffic from that site. We know that there needs to be a connection there. We need to be proactive now to see if we can lower the impacts to Fairview as much as possible. Working together as three cities would benefit Fairview for the 223rd Ave and Sandy Blvd. roads. Cornelius stated that Fairview is what is important, and that 223rd should be maintained at three lanes and Sandy as well. Also, when that intersection is improved it should be only to those standards.

DeRidder stated that there are also extensive issues with wetlands and steep slopes. At this point we have enough capacity with a three-lane build out, but once Troutdale develops we will have to build out 223rd and Sandy Blvd. to five lanes. That process would be extremely costly, as we would have to go through the process of obtaining the ROW from a number of property owners, which would deeply impact Fairview.

Councilor Raze stated that, if it is at all possible, we must make the connector along 238th Ave. happen in order to keep 223rd and Sandy Blvd. at three lanes each. The connection at 238th would help to minimize the impact to Fairview. Cornelius stated that 1400 trips of intermodal traffic would be heavy.

Mr. Abrahamson stated that currently over the course of a day that road handles over 750 vehicles in the peak hours. Spread out over a day that is not big, however other issues such as noise, pollution and seismic impact on people who live there has to be considered. The trips would be spread out over the day.

Councilor Quinby stated that he agrees with Councilor Raze. If Fairview has any hope of keeping 223rd and Sandy to three lanes we have to support and advocate for the 238th connection. We can't fight both proposals and this one is a good one to support. We know there will be development there and we have to do this now.

Councilor Owen stated he agrees with Councilors Quinby and Raze. The 238th connection is very important to support, as we could not hope to keep 223rd and Sandy to three lanes. Even if the intermodal rail doesn't happen, someone is going to buy that property and develop it. It is zoned for industrial and large warehouses could be placed there with a significant volume of truck traffic that has to go somewhere – better to have it go to 238th as much as possible. He noted that there has been quite an increase in truck traffic along 223rd already

and it seems to be increasing more everyday. Cornelius stated that comes from Terminal 6 where they haul containers and the best way to stop intermodal is to keep 223rd and Sandy to three lanes. Councilor Raze stated that Fairview would still need to look at the future development and plan for it.

DeRidder stated an extension down 242nd to I-84 was included in the traffic analysis for the Wood Village's Town Center Plan and this minimized its impact on 223rd, but now Wood Village supports excluding the 242nd Extension. We have received word that Wood Village would like to have a meeting with Troutdale and Fairview to discuss the 238th and 242nd connectors as well as 257th.

Mr. Abrahamson stated that staff has a keen interest in this and trying to make sure there is the best possible access and 238th is considered a key to the development of the three cities industrial lands. Without that access all industrial development in the area would be severely constrained.

Abrahamson stated that for 242nd Avenue the connection with I-84 is not complete to have full access to it and it would be a high cost to construct, about \$30 million. Councilor Cornelius brought up the Springwater Corridor and the traffic impacts from that. Abrahamson stated that for the north south movement 257th provides better access for the Springwater traffic and there would be more direct access. Also, the county has improved almost all of 257th and there is already funding for those additional improvements with a split diamond design. The Troutdale interchange and 257th would also draw more of the freight traffic. This would be best for cost and direct access. That, along with the 238th connection would provide the most benefit.

Director DeRidder asked for direction from the Council on what plan they would like staff to work towards. Councilor Raze stated that Fairview should support the 257th and 238th connections while backing off the 242nd Ave. connection. We should leave it up to Troutdale whether they want to support 257th or 242nd for their major N/S route and freight travel. This would make it more acceptable to Troutdale and Wood Village. Councilors Quinby, Jones and Owen stated that they agree with pressing for those connections. Councilor Cornelius stated he would like to have the three cities staff members meet and bring in a consensus on these issues. Administrator Wellman stated that meeting would be taking place fairly soon.

Director DeRidder was directed to draft a letter and have it signed by the Council with the direction she has received tonight. Additionally, she is instructed to continue to keep the Council updated on the proceedings within the other cities.

**III. DISCUSSION
DANAGEROUS
BUILDINGS ORDINANCE**

Director DeRidder stated that the proposed language for the ordinance was based on a document from Tom Sponsler of the City Attorney's office. That document has helped other jurisdictions to develop their ordinances. It provides a process and procedure as well as appeal rights up to the Civil Court of Appeals before a structure is removed. At this point the City of Fairview does not really have an ordinance for abatement of a dangerous structure.

Councilor Owen asked if currently Fairview had any buildings that fall into this category. DeRidder stated that the one on northwest corner 207th and Halsey Street has been designated as such by the Fire Department and the Building Official. Inspections were made and the structure has been posted.

Councilor Quinby stated that the proposed ordinance and the language in it give massive authority, too much, to jurisdictions to take private property. He asked what we had used to have this structure declared dangerous. Director DeRidder stated that the building has just been closed down, but has not been removed because there is not enough in place in Fairview's Code to do so. Administrator Wellman stated that it would be difficult to get this situation fully abated. The owner wants to rent it out, but major code violations have been identified and major repairs would have to be made.

DeRidder stated that the city gained access to this particular property because a staff member was able to convince the owner to give us written permission to enter the structure. Mr. Wellman stated if we had not obtained that permission it would have been unlikely we would have gained access.

Councilor Quinby stated that it does not seem right to condemn a house. Administrator Wellman stated that it is a fire, life, and safety issue for anyone living there. This particular house is significantly compromised. Quinby also asked how access is gained. Wellman stated that for commercial businesses, apartments and anything larger than a four-plex that is done through the Fire Departments, but that is not the case for single-family residences.

Councilor Raze also expressed concerns about condemnation of a property, but as he is familiar with this particular one he is aware that it is a firetrap. He stated that it is important to have some measures in place to handle these types of situations. Councilor Quinby stated it is not the city's duty to protect the citizens in that manner. Councilor Jones stated that she thinks it is, especially if it is known to be a hazard, as it opens the city up for a lawsuit if someone is hurt or dies in it. She stated that if she was an unsuspecting renter and her family was hurt she would sue the city. Jones also stated that an ordinance like this one is only used in extreme cases and it is necessary to have something in place.

Councilor Cornelius stated that language could be crafted to assure that any drastic action, such as full condemnation, would have to go to the municipal judge for a public hearing. The burden of proof would be on both the property owner and the city.

After further discussion it was concluded that Councilors Raze and Quinby, along with Director DeRidder would review the ordinance, revamp the language with the City Attorney's office and bring it back to the Council for a decision.

III. ADJOURNMENT

The work session was adjourned at 6:50 p.m.

Mayor Mike Weatherby

Dated:

Jan Wellman, City Recorder

Dated: